

REMARKS

In the final Office Action dated August 17, 2007,¹ the Examiner rejected claims 1-4, 9-12, and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,871,063 to Schiffer ("Schiffer") in view of U.S. Patent No. 6,148,205 to Cotton ("Cotton");² and rejected claims 5-7 and 13-15 under 35 U.S.C. § 103(a) as being unpatentable over Schiffer in view of Cotton, and further in view of U.S. Patent No. 6,288,639 to Addy ("Addy").³

Claims 1-7, 9-15, and 17 remain pending and under examination.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-7, 9-15, and 17 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established because, among other things, none of Schiffer, Cotton, and Addy, taken alone or in combination, teach or suggest each and every element of Applicants' claims.

Claim 1, for example, recites an authenticating method including: "switching coverage area of two or more of said portable radio devices, prior to initiating authentication between the portable radio devices, from the first coverage area to the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² The heading for the rejection of claims 1-4, 9-12, and 17 indicates that the Examiner also relied on U.S. Patent No. 6,282,183 to Harris et al. ("Harris") and U.S. Patent No. 5,875,394 to Daly et al. ("Daly"). However, the rejection does not refer to Harris or Daly. Accordingly, Applicants assume the heading contains a typographical error and should not indicate Harris or Daly. Even assuming the Examiner were to rely on Harris or Daly, neither Harris nor Daly teaches or suggests each and every element required by the claims for at least the reasons set forth in the Reply filed February 2, 2007.

³ The heading for the rejection of claims 5-7 and 13-15 does not indicate that Schiffer is relied on, but does indicate that Harris and Daly are relied on. However, the rejection refers to Schiffer but not Harris or Daly. Applicants therefore assume the heading should indicate reliance on Schiffer, Cotton, and Addy.

second coverage area, the second coverage area being smaller than the first coverage area” (emphasis added).

The Examiner asserts that Schiffer discloses the claimed switching in col. 2:31-38 and col. 3:39-55. Applicants disagree. Schiffer discloses a “mobile phone capable of long range communication” (Schiffer, col. 2:30-35) and “short-range, wireless communication” (Schiffer, col. 3:39-43). A mere disclosure of both long-range and short-range communication does not constitute a teaching or suggestion of “switching coverage area of two or more of said portable radio devices, prior to initiating authentication between the portable radio devices, from the first coverage area to the second coverage area, the second coverage area being smaller than the first coverage area.” Instead, Schiffer discloses establishing short-range communication based only on a short-range communication link, such as Bluetooth. Schiffer, col. 3:39-56. Schiffer does not use the long-range communication link in any “authenticating method” that switches coverage areas, as recited by claim 1.

Moreover, claim 1 recites “initiating mutual authentication by establishing communication between the two or more portable radio devices based only on the bringing of the two or more portable radio devices to within the proximity” and “performing mutual authentication” (emphasis added). Schiffer does not “initiat[e] mutual authentication by establishing communication” and “perform[] mutual authentication.” In contrast, Schiffer establishes a wireless communication link without any authentication. Schiffer, col. 3:64-4:9. Schiffer then exchanges an access code to “grant the user access” where “if the access code is not verified, . . . access to the computer system remains limited.” Schiffer, 4:53-59. That is, Schiffer establishes communication and

then determines a level of access to grant a user. Such a teaching does not constitute a teaching or suggestion of “initiating mutual authentication by establishing communication between the two or more portable radio devices based only on the bringing of the two or more portable radio devices to within the proximity” and “performing mutual authentication,” as recited by claim 1 (emphasis added). Cotton fails to cure this deficiency.

The Examiner acknowledges “Schiffer fails to disclose switching the coverage area of two or more portable radio devices and reducing the transmission output of one or both of the devices.” Office Action at 3. The Examiner asserts that Cotton discloses the claimed switching in col. 2:32-47 and col. 6:18-26. Office Action at 3. Applicants disagree. Cotton teaches reducing power levels only after initiating registration (see Cotton, col. 5:33-36, disclosing “[t]he access device 702 upon receiving the registration response message 712 changes states from an operational state 704 to the registration state 716 . . . where the RF power level is reduced” (emphasis added)). Cotton emphasizes this teaching in col. 3:20-23, which discloses: “The CPU 206 then provides a registration signal to the RF encoder 216 signifying that registration of an access device is in progress. The RF encoder 216 notifies the controller 226 to reduce the RF transmit power level” (emphasis added). Initiating registration and then reducing power, as disclosed by Cotton, does not constitute a teaching or suggestion of “switching coverage area of two or more of said portable radio devices, prior to initiating authentication between the portable radio devices, from the first coverage area to the second coverage area, the second coverage area being smaller than the first coverage area,” as recited by amended claim 1 (emphasis added).

Therefore, neither Schiffer nor Cotton, taken individually or in combination, teaches or suggests at least the claimed "switching" and "initiating mutual authentication by establishing communication," as recited by claim 1.

Addy fails to cure the deficiencies of Schiffer and Cotton, nor does the Examiner rely on these references for such teachings. Independent claims 1, 3, 6, 9, 11, 14, and 17, although of different scope, patentably distinguish from the cited references for at least the same reasons as claim 1. Claims 2, 4, 5, 7, 10, 12, 13, and 15 depend from independent claims 1, 3, 6, 9, 11, 14, and 17, and therefore include all of the elements recited therein. Accordingly, no prima facie case of obviousness has been established with respect to claims 1-7, 9-15, and 17. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. § 103(a).

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the references cited against this application. Applicants therefore request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

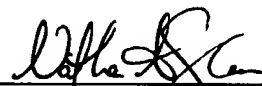
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____


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